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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,448	04/12/2001	Howard Letovsky	30554-05700	5265

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EXAMINER	
HOTALING, JOHN M	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/833,448	LETOVSKY ET AL.	
	Examiner	Art Unit	
	John M. Hotaling II	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-23 and 25-41* is/are pending in the application.

4a) Of the above claim(s) *35-41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-9,11-23 and 25-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the communication filed February 03, 2005. Claims 1-9, 11-23, 25-34 are pending, claims 35-41 are withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 1-2, 4-6, 9, 11-15, 25-27, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent No. 6,508,709) in view of Patel et al. (US Patent No. 6,731,600). Regarding claims 1, 11-15, 34, Karmarkar discloses an interactive gaming system comprising a player station (54), being read as a user computer, a data network (50) in communication with said player station, a gaming server (34) in communication with said data network (50). Karmarkar discloses remote player terminals including remote processors, which perform appropriate command, such as control functions, 1:26-27, 7:58-60, 17:43-67, 18:1-57. Karmarkar further discloses transferring data using data compression and encryption, 2:12-36, 12:1-18. Although Karmarkar uses encryption and compression techniques to transfer data, he fails to disclose providing a bandwidth and transmission detection device in his system. Instead, Karmarkar discloses in column 2:12-36 data compression using a video codec and that various communication pathways and protocols are used where the path for multimedia video source needs to be a specific bandwidth along with a specified

bandwidth for the return path teach the importance of knowing the available bandwidth. Throughout the disclosure of Karmarkar there is a teaching that bandwidth is important and the necessary bandwidth must be available. Additionally, Karmarkar discloses that any method of reducing the bandwidth for performance is to be used. Furthermore, the knowledge generally available to one of ordinary skill in the art would lead one to understand that since bandwidth is important to the performance of the system then measurement and testing of the bandwidth, which is well known in the art, would be paramount to the operation of the device and provide adequate motivation to find a system where such measurements are made. In an analogous invention Patel teaches a system and method for determining network conditions in which he includes bandwidth and transmission detection device, see abstract, **6:4-15.** It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the detection device as taught by Patel in the Karmarkar type system in order to estimate the amount of available transmission bandwidth between the server computer and the client computer. Regarding claim 2, Karmarkar discloses using video cameras (60, 70, 80) in communication with gaming server.

Regarding claim **4,** Karmarkar discloses the remote processor performing appropriate routing functions, 7:58-60.

Regarding claim 5, archiving, by definition, means a collection containing records, documents, or other materials of historical interest. Although Karmarkar fails to disclose including an archive server in his system, Karmarkar discloses storing gaming episodes for later playback, 2:37-56, 9:66-67, 10:1-7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to note

that Karmarkar is using an archiving unit to store and save the recorded games for later use. Accordingly, Karmarkar is cited to teach the archiving server claimed by the instant invention.

Regarding claim 6, Karmarkar discloses using appropriate time stamping feature in his system, 25:21-37. Including the time-stamping unit in the archiving server would have been a matter of design choice.

Regarding claim 9, Karmarkar discloses transmitting information in real time, 13:33-36.

Regarding claims 25 and 26, Patel teaches automatic detection, 9:60-67, 10:1-4, 13:4-8, and further teaches optimizing transmitted information based upon the detected bandwidth and transmission speed, 11:67, 12:1-3.

Regarding claim 27, Patel teaches adjusting transmission rate/speed between the server computer and the client computer based upon the detected bandwidth and transmission speed, 11:67, 12:1-3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to follow the same logic to select appropriate encryption and compression techniques.

b. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent No. 6,508,709) in view of Patel et al. (US Patent No. 6,731,600) and further

in view of Watt (US Patent No. 5,781,532). Regarding claim 7, Karmarkar in view of Patel disclose the claimed invention as substantially as discussed above. Karmarkar in view of Patel fail to disclose a relay switching and serial data interface in communication with the gaming server and the wagering device. Watt teaches a network system providing a relay switching and data link interface, 1:46-53. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Watt into the Karmarkar in view of Patel type system in order to reduce congestion.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent No. 6,508,709) in view of Patel et at. (US Patent No. 6,731,600) and further in view of Khosla (of record). As per claim 8, Karmarkar in view of Patel disclose the claimed invention as substantially as explained above. Karmarkar in view of Patel fail to disclose gaming server comprising a file compression codec filter. Khosla teaches a system allowing remote players to participate. Khosla further teaches providing sophisticated compression and filtering functions, 4:44-45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the filtering functions taught by Khosla in the Karmarkar in view of Patel type system since Karmarkar discloses using data compression with a video Codec using, for example, J/MPEG and other application-specific compression techniques.

Claims 3, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent No. 6,508,709) in view of Patel et at. (US Patent No. 6,731,600)

and further in view of Lvov (of record). Regarding claims 3, 16, 32-33 Karmarkar in view of Patel disclose the claimed invention as substantially as explained above. Karmarkar in view of Patel fail to disclose accessing personal financial information through the remotely located computer. Lvov teaches a network system capable of settling financial information using electronic communication, 4:36-44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the electronic financial communication as taught by Lvov into the Karmarkar in view of Patel type system in order to allow betting *of* real money through player's bank accounts. As per claim 17, Lvov allows players to use their bank or gaming account to wager, 10:40-43. As per claims 18, 19, Lvov teaches the financial communication between a player's gaming account and a player's deposit account, such as the transfer of gains or losses, 10:14-25, 62-64, 11:17-23. As per claim 20, Lvov teaches logging all gaming events and enabling players to check the validity of all gaming actions to prevent possibility of fraud, 11: 36-38.

Claims 21-23 is rejected under 35 U.S.G. 103(a) as being unpatentable over Karmarkar *in view of* Patel and further in view of Graves (of record).

As per claim 22, Karmarkar in view of Patel disclose the claimed invention as substantially as shown above. Karmarkar in view of Patel are silent on using a human proxy. Graves teaches a system where a proxy player assists a remote player/client at a gaming site, 2:37-39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a proxy player as taught by Graves in the Karmarkar in view of Patel's system in order to participate in a game in order to

facilitate game play to players that are incapable of attending the gaming site. As per claims 21, 23, Graves teaches a system comprising entering commands into the device using proxy, 2:39-59.

Claims 28-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar in view of Patel and further in view of Vuong (US Patent No. 5,762,552). As per claim 28-29, 31, Karmarkar in view of Patel disclose the claimed invention as substantially as shown above. Karmarkar in view of Patel fail to disclose polling wagering devices for availability. Vuong teaches an interactive real-time network gaming system allowing remote players to participate, 8:14-19,9:58. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above feature as taught by Vuong into the Karmarkar in view of Patel type system in order to facilitate the device selection by the players. As per claim 30, Vuong further teaches a network manager capable of tracking the current availability of active gaming tables and Vuong teaches using visual representations to select wagering device, 10:30-47.

Response to Arguments

Applicant's arguments with respect to the 35 U.S.C. 112 rejection have been fully considered and are persuasive. The 35 U.S.C. 112 of claim 8 has been withdrawn.

Applicant's arguments filed 2/3/05 have been fully considered but they are not persuasive. The summation of the applicant's arguments against the applied references is that there is no prima facie case of obviousness to combine the references and that the office action provides no explanation, citation to the reference, or other evidence to

support this conclusory statement. The examiner does indeed cite the Karmarkar reference in the previous office action of 2:12-36 and 12:1-18 which would suggest to one of ordinary skill in the art that suitable measurement techniques of the bandwidth are warranted. The disclosure of column 2:12-36 which teaches data compression using a video codec and that various communication pathways and protocols are used where the path for multimedia video source needs to be a specific bandwidth along with a specified bandwidth for the return path teach the importance of knowing the available bandwidth. Throughout the disclosure of Karmarkar there is a teaching that bandwidth is important and the necessary bandwidth must be available. Additionally, Karmarkar discloses that any method of reducing the bandwidth for performance is to be used. Furthermore, the knowledge generally available to one of ordinary skill in the art would lead one to understand that since bandwidth is important to the performance of the system then measurement and testing of the bandwidth, which is well known in the art, would be paramount to the operation of the device and provide adequate motivation to find a system where such measurements are made.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN M. HOTALING, II
PRIMARY EXAMINER
July 22, 2005